

REMARKS

Applicants reply to the Office Action dated January 25, 2010 within three months. Claims 12-17 are pending in the application and the Examiner rejects claims 12-17. Applicants add new claims 18-29. Support for the amendments and new claims may be found in the originally-filed specification. No new matter is entered with these amendments or new claims. Applicants respectfully request reconsideration of this application.

Rejections under 35 U.S.C § 101

The Examiner rejects claims 12-14 under 35 U.S.C. § 101 alleging the claimed invention is directed to non-statutory subject matter. Applicants respectfully disagree. However, to expedite prosecution, Applicants amend independent claim 12 to recite specific system components such as a “by a computer based system.” As such, the various rejections under 35 U.S.C. § 101, are now moot and reconsideration of the pending claims is requested.

Rejections under 35 U.S.C § 103

The Examiner rejects claims 12, 13, 15, and 16 under 35 U.S.C. § 103(a), as being unpatentable over Franklin et al., U.S. Patent No. 5,883,810, (“Franklin”), in view of Carrithers et al., U.S. Patent No. 5,689,100 (“Carrithers”). Examiner rejects claims 14 and 17 under 35 U.S.C. § 103(a), as being unpatentable over Franklin, in view of Carrithers, and in further view of Official Notice. Applicants respectfully disagree with these rejections, but Applicants present claim amendments in order to clarify the patentable aspects of the claims and to expedite prosecution.

Franklin generally teaches an online commerce system for facilitating online ecommerce over a public network using an online commerce card. Franklin specifically recites, “the issuing bank 26 issues the card to the customer 22 in the form of a signed digital certificate binding the customer to the bank and a software module that can be invoked when using the commerce card to conduct a transaction on the internet,” (col. 4, lines 39-42.) As stated in the background of the present application, at page 3 (and unlike the claimed invention), “*Franklin’s* system, which requires the generation of a digitally keyed online commerce card that does not exist in the physical form, requires customers to register and use an assigned digital certificate.” As such,

Franklin explicitly teaches away from “generating, by the computer based system, a secondary transaction number (STN), wherein the STN is generated at a remote server and wherein the STN is associated with the non-currency-based account, wherein the generation of the secondary transaction number (STN) does not require use of a signed digital certificate,” as recited in independent claim 12 (emphasis added) and similarly recited by independent claim 15.

Carrithers generally teaches “a debit card system for implementing an incentive award program for a customer having participants,” (abstract.) Carrithers is silent to, and thus does not disclose or contemplate, “generating, by the computer based system, a secondary transaction number (STN), wherein the STN is generated at a remote server and wherein the STN is associated with the non-currency-based account, wherein the generation of the secondary transaction number (STN) does not require use of a signed digital certificate,” as recited in independent claim 12 (emphasis added) and as similarly recited by independent claim 15. Moreover, Carrithers teaches “along with the account number, host processor 112 would provide the participant award account balance in points,” (col. 7, lines 4-6.) Unlike the claimed invention, Carrithers puts the account security at risk by transmitting the account number along with the point balance.

Dependent claims 13 and 16 variously depend from independent claims 12 and 15. Therefore, Applicants assert that dependent claims 13 and 16 are patentable for at least the same reasons stated above for differentiating independent claims 12 and 15, as well as in view of their own respective features. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of dependent claims 13 and 16.

The Examiner states at page 2, “Official notice is taken that if a product is purchased by redeeming an award, then the award account balance is reduced by an amount equivalent to the transaction amount. The Examiner also alleges, on page 3, that “capturing transaction settlement information in a financial capture system; creating an accounts payable file and routing the accounts payable file to an accounts payable system for payment processing; and forwarding the transaction settlement information to an accounts receivable system” is admitted prior art. Applicants traverse the official notice taken by the Examiner on pages 2-3 of the Office action because “the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known.” MPEP 2144.03. Applicants therefore respectfully request

that “the examiner provide documentary evidence in the next Office action if the rejection is to be maintained.” Id.

Franklin, Carrithers, and the Official Notice assertions either alone or in combination do not disclose or contemplate at least “generating, by the computer based system, a secondary transaction number (STN), wherein the STN is generated at a remote server and wherein the STN is associated with the non-currency-based account, wherein the generation of the secondary transaction number (STN) does not use a signed digital certificate,” as recited in independent claim 12 (emphasis added) and as similarly recited by independent claim 15.

Dependent claims 14 and 17 variously depend from independent claims 12 and 15. Therefore, Applicants assert that dependent claims 14 and 17 are patentable for at least the same reasons stated above for differentiating independent claims 12 and 15 as well as in view of their own respective features. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of dependent claims 14 and 17.

Applicants assert new claim 24 has similar elements as independent claims 12 and 15, so Applicants assert that new claim 24 is patentable for at least the same reasons stated above, as well as in view of its own respective features.

Applicants assert new claims 18-23 and 25-29 variously depend from independent claims 12, 15 and 24, so Applicants assert that new claims 18-23 and 25-29 are patentable for at least the same reasons stated above, as well as in view of their own respective features. Accordingly, Applicants respectfully request that the Examiner allow new claims 18-29.

When a phrase similar to “at least one of A, B, or C” or “at least one of A, B, and C” is used in the claims, Applicants intend the phrase to mean any of the following: (1) at least one of A; (2) at least one of B; (3) at least one of C; (4) at least one of A and at least one of B; (5) at least one of B and at least one of C; (6) at least one of A and at least one of C; or (7) at least one of A, at least one of B, and at least one of C.

The claims of the present application are different and possibly broader than the claims pursued in the parent or related applications. To the extent any amendments or characterizations of the scope of any claim or referenced art could be construed as a disclaimer of any subject matter supported by the present disclosure, Applicants hereby rescind and retract such disclaimer. Accordingly, the references construed in the parent or related applications may need to be revisited.

Applicants respectfully submit that the pending claims are in condition for allowance. The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **19-2814**. Applicants invite the Examiner to telephone the undersigned, if the Examiner has any questions regarding this Reply or the present application in general.

Respectfully submitted,

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By: 

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